

By: Senator(s) Little, King, Farris, Burton, Johnson (19th), Smith, Hyde-Smith, Dearing, Ross, Hewes, Jordan, Furniss, Chaney, Gollott, Mettetal, White (29th), Carlton, Tollison, Chamberlin, Kirby, Scoper, Lee, Carmichael, Dawkins, Stogner, Browning, Harvey, Cuevas, Gordon, Thames To: Judiciary

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 2239

1 AN ACT ENTITLED THE "MISSISSIPPI SCHOOL SAFETY ACT OF 2001";
2 TO AMEND SECTIONS 37-3-81 AND 37-3-83, MISSISSIPPI CODE OF 1972,
3 TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO ESTABLISH A SCHOOL
4 SAFETY CENTER TO PROVIDE TECHNICAL AND CRISIS ASSISTANCE TO SCHOOL
5 DISTRICTS, TO REQUIRE LOCAL SCHOOL DISTRICTS TO ADOPT
6 COMPREHENSIVE SCHOOL SAFETY PLANS, AND TO AUTHORIZE SCHOOL SAFETY
7 GRANTS TO LOCAL SCHOOL DISTRICTS TO FINANCE CERTAIN PROGRAMS TO
8 PROVIDE SCHOOL SAFETY; TO ESTABLISH A SCHOOL CRISIS MANAGEMENT
9 PROGRAM WITHIN THE STATE DEPARTMENT OF EDUCATION, TO PROVIDE FOR A
10 TEAM OF PROFESSIONAL INDIVIDUALS TO RESPOND TO TRAUMATIC OR
11 VIOLENT SITUATIONS THAT IMPACT STUDENTS AND FACULTY IN THE PUBLIC
12 SCHOOLS, TO PROVIDE PROCEDURES FOR THE OPERATION OF THE PROGRAM,
13 AND TO AUTHORIZE FUNDING FOR THE PROGRAM; TO REQUIRE THE STATE
14 BOARD OF EDUCATION TO DEVELOP CONFLICT RESOLUTION AND PEER
15 MEDIATION MODELS AND CURRICULA FOR THE PUBLIC SCHOOLS; TO REQUIRE
16 THE AUTOMATIC EXPULSION OF A HABITUALLY DISRUPTIVE STUDENT ON THE
17 THIRD OCCURRENCE OF DISRUPTIVE BEHAVIOR DURING A SCHOOL YEAR; TO
18 DEFINE THE TERMS "DISRUPTIVE BEHAVIOR" AND "HABITUALLY DISRUPTIVE
19 STUDENT"; TO AMEND SECTION 37-11-55, MISSISSIPPI CODE OF 1972, TO
20 REQUIRE A SCHOOL'S CODE OF STUDENT CONDUCT TO BE MADE AVAILABLE TO
21 STUDENTS AND TO PRESCRIBE ADDITIONAL POLICIES THAT MUST BE
22 INCLUDED IN CODES OF STUDENT CONDUCT; TO AMEND SECTION 37-11-53,
23 MISSISSIPPI CODE OF 1972, TO REQUIRE CERTAIN PROVISIONS RELATING
24 TO AUTOMATIC EXPULSION TO BE INCORPORATED INTO EACH SCHOOL
25 DISTRICT'S DISCIPLINE PLAN AND CODE OF STUDENT CONDUCT AT THE NEXT
26 LEGAL AUDIT OF SUCH PLAN AND TO AUTHORIZE SCHOOL DISTRICTS TO
27 ALLOW A PARENT TO ACCOMPANY THEIR CHILD TO SCHOOL AS AN
28 ALTERNATIVE TO THE CHILD'S SUSPENSION; TO AMEND SECTION 43-21-151,
29 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A BOMB THREAT MADE BY A
30 MINOR SHALL BE A FELONY IN THE ORIGINAL JURISDICTION OF THE
31 CIRCUIT COURT TO BE TRIED AS AN ADULT MATTER; AND FOR RELATED
32 PURPOSES.

33 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

34 SECTION 1. This act shall be known and may be cited as the
35 "Mississippi School Safety Act of 2001."

36 SECTION 2. Section 37-3-81, Mississippi Code of 1972, is
37 amended as follows:

38 37-3-81. The Department of Education, using only existing
39 staff and resources, shall establish and maintain a School Safety
40 Center, which shall operate a statewide information clearinghouse
41 that: (a) provides assistance to school districts and communities
42 during school crises; and (b) provides technical assistance,



43 training and current resources to public school officials and
44 parents who need assistance in researching, developing and
45 implementing school safety plans and in maintaining a safe school
46 environment.

47 SECTION 3. Section 37-3-83, Mississippi Code of 1972, is
48 amended as follows:

49 37-3-83. (1) There is established within the State
50 Department of Education, using only existing staff and resources,
51 a School Safety Grant Program, available to all eligible public
52 school districts, to assist in financing programs to provide
53 school safety.

54 (2) The school board of each school district, with the
55 assistance of the State Department of Education School Safety
56 Center, shall adopt a comprehensive local school district school
57 safety plan and shall update the plan on an annual basis.

58 (3) Subject to the extent of appropriations available, the
59 School Safety Grant Program shall offer any of the following
60 specific preventive services, and other additional services
61 appropriate to the most current school district school safety
62 plan:

63 (a) Metal detectors;

64 (b) Video surveillance cameras, communications
65 equipment and monitoring equipment for classrooms, school
66 buildings, school grounds and school buses;

67 (c) Crisis management/action teams responding to school
68 violence; * * *

69 (d) Violence prevention training, conflict resolution
70 training, and other appropriate training designated by the State
71 Department of Education for faculty and staff; and

72 (e) School safety personnel.

73 (4) Each local school district of this state may annually
74 apply for * * * school safety grant funds subject to
75 appropriations by the Legislature. School safety grants shall



76 include a base grant amount plus an additional amount per student
77 in average daily attendance in the school or school district. The
78 base grant amount and amount per student shall be determined by
79 the State Board of Education, subject to specific appropriation
80 therefor by the Legislature. In order to be eligible for such
81 program, each local school board desiring to participate shall
82 apply to the State Department of Education by May 31 before the
83 beginning of the applicable fiscal year on forms provided by the
84 department, and shall be required to establish a local School
85 Safety Task Force to involve members of the community in the
86 school safety effort. The State Department of Education shall
87 determine by July 1 of each succeeding year which local school
88 districts have submitted approved applications for school safety
89 grants.

90 (5) As part of the School Safety Grant Program, the State
91 Department of Education may conduct a pilot program to research
92 the feasibility of using video camera equipment in the classroom
93 to address the following:

94 (a) Determine if video cameras in the classroom reduce
95 student disciplinary problems;

96 (b) Enable teachers to present clear and convincing
97 evidence of a student's disruptive behavior to the student, the
98 principal, the superintendent and the student's parents; and

99 (c) Enable teachers to review teaching performance and
100 receive diagnostic feedback for developmental purposes.

101 * * *

102 (6) Any local school district may use
103 audio/visual-monitoring equipment in classrooms, hallways,
104 buildings, grounds and buses for the purpose of monitoring school
105 disciplinary problems.

106 (7) The State Department of Education shall report annually
107 to the Chairmen of the Education Committees in the House of
108 Representatives and Senate on the operation of the School Safety



109 Center and the School Safety Grant Program, along with any
110 recommendations for expansion or revision of the program.

111 SECTION 4. (1) There is established a School Crisis
112 Management Program under the State Department of Education. This
113 program is to be initiated and executed by the department using
114 only existing staff and resources. Under this program, the State
115 Department of Education shall create an office making available a
116 quick response team of personnel trained in school safety and
117 crisis management to respond to traumatic or violent situations
118 that impact students and faculty in the public schools in
119 Mississippi. The School Crisis Management Program shall operate
120 in accordance with the following:

121 (a) The basic response team shall consist of those
122 personnel designated by the State Superintendent of Public
123 Education or their designees depending on the size of the school
124 and the nature of the event.

125 (b) In order to access the services of a response team,
126 the request must be made by the local school principal or the
127 superintendent of schools, who shall make the request to the State
128 Department of Education or its contact designee.

129 (c) A response team shall enter a school to work with
130 students and faculty for a period of no more than three (3) days,
131 unless otherwise requested by the school district.

132 (d) The State Department of Education, or its designee,
133 shall operate a toll-free incoming wide area telephone service for
134 the purpose of receiving reports of suspected cases of school
135 violence and other traumatic situations impacting on students and
136 faculty in the public schools.

137 (e) The request made by a school district to access the
138 services of a response team following a school safety incident may
139 seek a review of the local school district's safety plan, and the
140 results of this evaluation may be published by the local school
141 board in a newspaper with wide circulation in the district.



142 (f) Subject to the availability of funds specifically
143 appropriated therefor by the Legislature, the expenses of the
144 quick response teams and their administrative support shall be
145 provided from state funds. The State Department of Education may
146 apply for and expend funds for the support and maintenance of this
147 program from private and other funding sources.

148 (2) Local school districts, school superintendents and
149 principals may request and utilize the services of quick response
150 teams provided for under this section; however, this section does
151 not require school officials to request the services of quick
152 response teams.

153 SECTION 5. The State Board of Education, using only existing
154 staff and resources, shall develop a list of recommended conflict
155 resolution and mediation materials, models and curricula that
156 address responsible decision making, the causes and effects of
157 school violence and harassment, cultural diversity, and nonviolent
158 methods for resolving conflict, including peer mediation, and
159 shall make the list available to local school administrative units
160 and school buildings before the beginning of the 2002-2003 school
161 year. In developing this list, the board shall emphasize
162 materials, models and curricula that currently are being used in
163 Mississippi and which the board determines to be effective. The
164 board shall include at least one (1) model that includes
165 instruction and guidance for the voluntary implementation of peer
166 mediation programs and one (1) model that provides instruction and
167 guidance for teachers concerning the integration of conflict
168 resolution and mediation lessons into the existing classroom
169 curriculum.

170 SECTION 6. (1) For the purposes of this section:

171 (a) The term "disruptive behavior" means conduct of a
172 student that is so unruly, disruptive or abusive that it seriously
173 interferes with a school teacher's or school administrator's
174 ability to communicate with the students in a classroom, with a



175 student's ability to learn, or with the operation of a school or
176 school-related activity, and which is not covered by other laws
177 related to violence or possession of weapons or controlled
178 substances on school property, school vehicles or at
179 school-related activities. Such behaviors include, but are not
180 limited to: foul, profane, obscene, threatening, defiant or
181 abusive language or action toward teachers or other school
182 employees; defiance, ridicule or verbal attack of a teacher; and
183 willful, deliberate and overt acts of disobedience of the
184 directions of a teacher; and

185 (b) The term "habitually disruptive student" means a
186 student who has caused disruption in a classroom, on school
187 property or vehicles or at a school-related activity on more than
188 two (2) occasions during a school year, because of disruptive
189 behavior that was initiated, willful and overt on the part of the
190 student and which required the attention of school personnel to
191 deal with the disruption. However, no student shall be declared
192 to be a habitually disruptive student before the development of a
193 remedial discipline plan for the student in accordance with the
194 code of student conduct and discipline plans of the school
195 district.

196 (2) Any student for whom a remedial discipline plan is
197 developed by the school principal and reporting teacher who does
198 not comply with the plan shall be a habitually disruptive student
199 subject to automatic expulsion on the occurrence of the third act
200 of disruptive behavior during a school year.

201 SECTION 7. Section 37-11-55, Mississippi Code of 1972, is
202 amended as follows:

203 37-11-55. The local school board shall adopt and make
204 available to all teachers, school personnel, students and parents
205 or guardians, at the beginning of * * * each school year * * *, a
206 code of student conduct developed in consultation with teachers,
207 school personnel, students and parents or guardians. The code



208 shall be based on the rules governing student conduct and
209 discipline adopted by the school board and shall be made available
210 at the school level in the student handbook or similar
211 publication. The code shall include, but not be limited to:

212 (a) Specific grounds for disciplinary action under the
213 school district's discipline plan;

214 (b) Procedures to be followed for acts requiring
215 discipline, including suspensions and expulsion, which comply with
216 due process requirements; * * *

217 (c) An explanation of the responsibilities and rights
218 of students with regard to attendance, respect for persons and
219 property, knowledge and observation of rules of conduct, * * *
220 free speech and student publications, assembly, privacy and
221 participation in school programs and activities;

222 (d) Policies and procedures recognizing the teacher as
223 the authority in classroom matters, and supporting that teacher in
224 any decision in compliance with the written discipline code of
225 conduct; such recognition shall include the right of the teacher,
226 subject to the approval of the principal, to remove from the
227 classroom any student who, in the professional judgment of the
228 teacher, is disrupting the learning environment, to a facility
229 within the school where the student will remain until the parent,
230 guardian or custodian of the student is notified. If the
231 principal does not approve of the determination of the teacher to
232 remove the student from the classroom, the student may not be
233 removed from the classroom, and the principal must provide written
234 justification for his disapproval to the teacher. A student who
235 is removed from the classroom may not be returned to the classroom
236 until a conference has been held with the parent, guardian or
237 custodian during which the disrupting behavior is discussed and
238 agreements are reached that no further disruption will be
239 tolerated;



240 (e) Policies and procedures for dealing with a student
241 who causes a disruption in the classroom, on school property or
242 vehicles, or at school-related activities;

243 (f) Procedures for the development of remedial
244 discipline plans by the school principal and reporting teacher for
245 a student who causes a disruption in the classroom, on school
246 property or vehicles, or at school-related activities for a second
247 time during the school year; and

248 (g) Policies and procedures specifically concerning
249 gang-related activities in the school, on school property or
250 vehicles, or at school-related activities.

251 SECTION 8. Section 37-11-53, Mississippi Code of 1972, is
252 amended as follows:

253 37-11-53. (1) A copy of the school district's discipline
254 plan shall be distributed to each student enrolled in the
255 district, and the parents, guardian or custodian of such student
256 shall sign a statement verifying that they have been given notice
257 of the discipline policies of their respective school district.
258 The school board shall have its official discipline plan and code
259 of student conduct legally audited on an annual basis to insure
260 that its policies and procedures are currently in compliance with
261 applicable statutes, case law and state and federal constitutional
262 provisions. As part of the first legal audit occurring after July
263 1, 2001, the provisions of this section, Section 37-11-55 and
264 Section 6 of Senate Bill No. 2239, 2001 Regular Session, shall be
265 fully incorporated into the school district's discipline plan and
266 code of student conduct.

267 (2) All discipline plans of school districts shall include,
268 but not be limited to, the following:

269 (a) A parent, guardian or custodian of a
270 compulsory-school-age child enrolled in a public school district
271 shall be responsible financially for his or her minor child's
272 destructive acts against school property or persons;



273 (b) A parent, guardian or custodian of a
274 compulsory-school-age child enrolled in a public school district
275 may be requested to appear at school by the school attendance
276 officer or an appropriate school official for a conference
277 regarding acts of the child specified in paragraph (a) of this
278 subsection, or for any other discipline conference regarding the
279 acts of the child;

280 (c) Any parent, guardian or custodian of a
281 compulsory-school-age child enrolled in a school district who
282 refuses or willfully fails to attend such discipline conference
283 specified in paragraph (b) of this section may be summoned by
284 proper notification by the superintendent of schools or the school
285 attendance officer and be required to attend such discipline
286 conference; and

287 (d) A parent, guardian or custodian of a
288 compulsory-school-age child enrolled in a public school district
289 shall be responsible for any criminal fines brought against such
290 student for unlawful activity * * * occurring on school grounds or
291 buses.

292 (3) Any parent, guardian or custodian of a
293 compulsory-school-age child who (a) fails to attend a discipline
294 conference to which such parent, guardian or custodian has been
295 summoned under the provisions of this section, or (b) refuses or
296 willfully fails to perform any other duties imposed upon him or
297 her under the provisions of this section, shall be guilty of a
298 misdemeanor and, upon conviction, shall be fined not to exceed Two
299 Hundred Fifty Dollars (\$250.00).

300 (4) Any public school district shall be entitled to recover
301 damages in an amount not to exceed Twenty Thousand Dollars
302 (\$20,000.00), plus necessary court costs, from the parents of any
303 minor under the age of eighteen (18) years and over the age of six
304 (6) years, who maliciously and willfully damages or destroys
305 property belonging to such school district. However, this section



306 shall not apply to parents whose parental control of such child
307 has been removed by court order or decree. The action authorized
308 in this section shall be in addition to all other actions which
309 the school district is entitled to maintain and nothing in this
310 section shall preclude recovery in a greater amount from the minor
311 or from a person, including the parents, for damages to which such
312 minor or other person would otherwise be liable.

313 (5) A school district's discipline plan may provide that as
314 an alternative to suspension, a student may remain in school by
315 having the parent, guardian or custodian, with the consent of the
316 student's teacher or teachers, attend class with the student for a
317 period of time specifically agreed upon by the reporting teacher
318 and school principal. If the parent, guardian or custodian does
319 not agree to attend class with the student or fails to attend
320 class with the student, the student shall be suspended in
321 accordance with the code of student conduct and discipline
322 policies of the school district.

323 SECTION 9. Section 43-21-151, Mississippi Code of 1972, is
324 amended as follows:

325 43-21-151. (1) The youth court shall have exclusive
326 original jurisdiction in all proceedings concerning a delinquent
327 child, a child in need of supervision, a neglected child, an
328 abused child or a dependent child except in the following
329 circumstances:

330 (a) Any act attempted or committed by a child, which if
331 committed by an adult would be punishable under state or federal
332 law by life imprisonment or death, will be in the original
333 jurisdiction of the circuit court;

334 (b) Any act attempted or committed by a child with the
335 use of a deadly weapon, the carrying of which concealed is
336 prohibited by Section 97-37-1, or a shotgun or a rifle, or any act
337 making or attempting to make a false bomb report by a child in
338 violation of Section 97-37-21, which would be a felony if



339 committed by an adult, will be in the original jurisdiction of the
340 circuit court; and

341 (c) When a charge of abuse of a child first arises in
342 the course of a custody action between the parents of the child
343 already pending in the chancery court and no notice of such abuse
344 was provided prior to such chancery proceedings, the chancery
345 court may proceed with the investigation, hearing and
346 determination of such abuse charge as a part of its hearing and
347 determination of the custody issue as between the parents,
348 notwithstanding the other provisions of the Youth Court Law. The
349 proceedings in chancery court on the abuse charge shall be
350 confidential in the same manner as provided in youth court
351 proceedings.

352 When a child is expelled from the public schools, the youth
353 court shall be notified of the act of expulsion and the act or
354 acts constituting the basis for expulsion.

355 (2) Jurisdiction of the child in the cause shall attach at
356 the time of the offense and shall continue thereafter for that
357 offense until the child's twentieth birthday, unless sooner
358 terminated by order of the youth court. The youth court shall not
359 have jurisdiction over offenses committed by a child on or after
360 his eighteenth birthday, or over offenses committed by a child on
361 or after his seventeenth birthday where such offenses would be a
362 felony if committed by an adult.

363 (3) No child who has not reached his thirteenth birthday
364 shall be held criminally responsible or criminally prosecuted for
365 a misdemeanor or felony; however, the parent, guardian or
366 custodian of such child may be civilly liable for any criminal
367 acts of such child. No child under the jurisdiction of the youth
368 court shall be held criminally responsible or criminally
369 prosecuted by any court for any act designated as a delinquent
370 act, unless jurisdiction is transferred to another court under
371 Section 43-21-157.



372 (4) The youth court shall also have jurisdiction of offenses
373 committed by a child which have been transferred to the youth
374 court by an order of a circuit court of this state having original
375 jurisdiction of the offense, as provided by Section 43-21-159.

376 (5) The youth court shall regulate and approve the use of
377 teen court as provided in Section 43-21-753.

378 SECTION 10. This act shall take effect and be in force from
379 and after July 1, 2001.

